

REMARKS:

Claims 31-40 are pending in the application. Of note, no claim amendments are being made at this time. However, as a convenience to the Examiner, and to aid in prosecution of the application, this Response includes a listing of all pending claims as they currently exist.

Reconsideration is respectfully requested of the rejection of claims 31-40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,737,054 (“Chao ‘054”) in view of U.S. Patent 5,568,207 (“Chao ‘207”).

Initially, it is noted that independent claim 31 explicitly recites “each magnetic material of the primary frame engages, in a plane substantially parallel to a plane of a lens of the primary frame, with the corresponding magnetic materials of the auxiliary frame such that the auxiliary frame is secured to and supported by the primary frame” (emphasis added) and that independent claim 36 explicitly recites “each extension being capable of extending across a corresponding stud of a primary frame, and capable of engaging a magnetic material of the primary frame, in a plane substantially parallel to a plane of a lens of the primary frame, with the corresponding magnetic materials of the auxiliary frame such that the auxiliary frame is capable of being secured to and supported by the primary frame” (emphasis added).

In this regard, the aforementioned configuration is explicitly acknowledged by the Examiner in paragraph 2 of the Office Action (at the bottom of page 3) as distinguishing over the cited references.

Nevertheless, the Examiner goes on to allege (in paragraph 2 of the Office Action at the top of page 4) that the claimed configuration is considered to be an obvious matter of design choice because the configuration supposedly does not solve any stated problem or is for any particular purpose that is not equally solved by the configurations of the cited references.

Applicant respectfully disagrees with the Examiner’s conclusions.

For example, by being configured as claimed, the magnetic attraction may tend to hold the auxiliary and primary frames in alignment while at the same time biasing the auxiliary frame forward relative to the primary frame to separate the bulk of the auxiliary and primary frames (thus potentially reducing the opportunity to scratch one frame against the other as they shift relative to one another).

Therefore, it is respectfully submitted that the rejection of claims 31-40 under 35 U.S.C. 103(a) as being unpatentable over Chao ‘054 in view of Chao ‘207 has been overcome.

Reconsideration is respectfully requested of the rejection of claims 31-40 under 35 U.S.C. 103(a) as being unpatentable over Chao '207 in view Chao '054.

Again, it is noted that independent claim 31 explicitly recites “each magnetic material of the primary frame engages, in a plane substantially parallel to a plane of a lens of the primary frame, with the corresponding magnetic materials of the auxiliary frame such that the auxiliary frame is secured to and supported by the primary frame” (emphasis added) and that independent claim 36 explicitly recites “each extension being capable of extending across a corresponding stud of a primary frame, and capable of engaging a magnetic material of the primary frame, in a plane substantially parallel to a plane of a lens of the primary frame, with the corresponding magnetic materials of the auxiliary frame such that the auxiliary frame is capable of being secured to and supported by the primary frame” (emphasis added).

In this regard, the aforementioned configuration is explicitly acknowledged by the Examiner in paragraph 3 of the Office Action (at the bottom of page 5) as distinguishing over the cited references.

Nevertheless, the Examiner goes on to allege (in paragraph 3 of the Office Action at the bottom of page 5 to the top of page 6) that the claimed configuration is considered to be an obvious matter of design choice because the configuration supposedly does not solve any stated problem or is for any particular purpose that is not equally solved by the configurations of the cited references.

Again, applicant respectfully disagrees with the Examiner's conclusions.

For example (and as discussed above), by being configured as claimed, the magnetic attraction may tend to hold the auxiliary and primary frames in alignment while at the same time biasing the auxiliary frame forward relative to the primary frame to separate the bulk of the auxiliary and primary frames (thus potentially reducing the opportunity to scratch one frame against the other as they shift relative to one another).

Therefore, it is respectfully submitted that the rejection of claims 31-40 under 35 U.S.C. 103(a) as being unpatentable over Chao '207 in view Chao '054 has been overcome.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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